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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER )	CIVIL NO. 03-00567 JMS BMK
GAHR, FRANK ROBERT PAULSON, )	
CHARLES TURNER, and TOM )	DEFENDANT'S WITNESS LIST;
YOUNG, )	CERTIFICATE OF SERVICE
)	
Plaintiffs, )	
)	
vs. )	
)	
MICHAEL CHERTOFF, Secretary, )	Trial: February 13, 2007
DEPARTMENT OF HOMELAND )	Judge: Hon. J. Michael
SECURITY, )	Seabright
)	
Defendant. )	
_____ )	

DEFENDANT'S WITNESS LIST

Now comes defendant Michael Chertoff, by and through its attorneys, Edward H. Kubo, United States Attorney, and Thomas A. Helper, Assistant United States Attorney and hereby identifies the following witnesses who may testify at trial of this matter.

A. Current TSA employees

The United States may call the following witnesses who are current employees of the Transportation Security Administration. Except where otherwise noted, all employees work at Kahului Airport, Maui, Hawaii. All current employee witnesses are represented by the Office of the United States Attorney:

1. Patrick Collins, Screening Manager, will testify about his interactions with Gahr, including his observations of Gahr's repeated failures to observe standard TSA procedures in running a security checkpoint. Estimated time on direct examination: 2 hours.
2. Howard Tagomori, Assistant Federal Security Director, will testify about his knowledge of Gahr's performance problems and the decision to terminate Gahr. Estimated time on direct examination: 1 hour.
3. Lowery Leong, Federal Security Director, will testify about his knowledge of Gahr's performance problems and the decision to terminate Gahr. Estimated time on direct examination: 1 hour.

4. Lisa Baker, Human Resources Office, Washington D.C., will testify about her knowledge of Gahr's performance problems and the decision to terminate Gahr. Estimated time on direct examination:  
1 hour.
5. Filbert Carvalho (now deceased, so defendant will introduce his deposition transcript and Equal Employment Opportunity affidavits) will testify about his interactions with Gahr in connection with Gahr's decision to allow a screener with bandaged finger to continue to screen passengers. Carvalho will also testify about his knowledge of Gahr's performance problems, the decision to terminate Gahr, and Gahr's request that Carvalho destroy the paperwork documenting his performance problems.
6. Russell Harlan, Screening Supervisor, will testify about his knowledge of Gahr's performance problems. Estimated time on direct examination:  
 $\frac{1}{2}$  hour.

7. Earl Owens, Screening Manager, will testify about his knowledge of Gahr's performance problems. Estimated time on direct examination: ½ hour.
8. Theresa Greenisen, Screener, will testify about her observation of an dispute between Gahr and Carvalho about whether Greenisen should be allowed to continue searching passengers with a bandaged hand. Estimated time on direct examination: ½ hour.
9. Devory Bailey, Screening Supervisor, will testify about his knowledge of Gahr's performance problems. Estimated time on direct examination: ½ hour.
10. Jerry Yamada, scheduler, will testify about his observations of Gahr during his exit interview. Estimated time on direct examination: ½ hour.
11. Meleane Tonga, member of Mobile Screening Force, will testify to rebut Gahr's claims that she told Gahr that there were problems with racial

discrimination at Kahului Airport. Estimated time on direct examination: ½ hour.

13. Ann Quigley, Director, Office of Human Capital, Metrics and Analysis Division, TSA Washington, D.C. as Custodian of Records to authenticate statistical records and compilations of personnel decisions at Kahului Airport. Estimated time on direct examination: ½ hour.

14. Other witnesses as identified through discovery; further naming of witnesses will be necessary if plaintiff attempts to supplement his discovery responses with further document productions, as he indicated he would during his deposition. Defendant will object to any attempt by plaintiff to introduce any previously undisclosed document in his case. If the court denies such a motion in whole or in part, or if a newly disclosed document leads to the discovery of a new witness for defendant, defendant may call additional witnesses as necessary.

15. Witnesses with knowledge relevant to personnel actions other than the terminations of the plaintiff, to the extent evidence of those actions is heard by the jury.

B. Former TSA employees

1. Patti Igarashi, former Screening Manager.  
232 South Papa Avenue, Kahului Maui  
96732, (808) 242-2334, will testify about her observations of Gahr's performance problems.  
Estimated time on direct examination: 1 hour.

C. Non-TSA employees

Witnesses from plaintiff Gahr's prior litigation,  
including:

1. Frank Feldman,
2. Paul Pancucci,
3. Representative of Vestex Corporation,
4. Representative West San Gabriel Valley Consortium,

and

5. Representative of San Bernardino County School District.

Defendant will probably seek to introduce the deposition transcripts of these witnesses. Defendant will provide contact information on the witnesses when defendant obtains the litigation files from San Bernardino County Court later this week; however, this information is already available to plaintiff in the form of his own litigation records.

D. Other witnesses

1. Witnesses as necessary for rebuttal. Because plaintiff has not yet identified any exhibits or witnesses, it is unclear what issues may arise at trial that will require testimony from other witnesses. Defendant will supplement its witness list as additional information becomes available.

DATED: January 23, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Thomas A. Helper  
THOMAS A. HELPER  
Assistant U.S. Attorney

Attorneys for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served by First-Class Mail and E-mail

Christopher Gahr	January 23, 2007
700 E Washington, #81	
Colton, CA 92324	

chrisgahr@aol.com

Plaintiff Pro Se

DATED: January 23, 2007, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda

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